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09/750,009	12/27/2000	Paul Giotta	FREI.P049	6616

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EXAMINER	
DUONG, THOMAS	
ART UNIT	**PAPER NUMBER**
2145	

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/750,009	GIOTTA, PAUL	
	Examiner	Art Unit	
	Thomas Duong	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This office action is in response to the applicants Request For Reconsideration filed on February 26, 2006 and the present claims filed on October 2, 2005. Applicant amended *claims 1-16 and 18-20* and added *claim 21*. *Claims 1-21* are presented for further consideration and examination.

2. The declaration filed on February 26, 2006 and the exhibits filed on October 2, 2005 under 37 CFR 1.131 are sufficient to overcome the Camp et al. (US006802067B1) reference.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. *Claims 13, 17, and 20* are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter, which is not described in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not show how the computer program stored in a computer readable medium can perform the modules claimed. Please clarify the language of the claim.

5. *Claims 13, 17, and 20* are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not disclose the computer readable medium as claimed. Please clarify the language of the claim.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. *Claims 13, 17, and 20* are rejected under 35 U.S.C. 101 because the claims are not limited to tangible embodiments since they are stored on an unspecified computer readable medium as claimed. As such, the claim is not limited to statutory subject matter and is therefore non-statutory. To overcome this type of 101 rejection the claims need to be amended to include only the physical computer media and not a transmission media or other intangible or non-functional media. For the specification at the bottom, carrier medium and transmission media would be not statutory but storage media would be statutory.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. *Claims 1-21* are rejected under 35 U.S.C. 103(a) as being unpatentable over Podgorny et al. (US006078948) and in view of Codella et al. (US006804818B1).

10. With regard to *claims 1, 7, 13, 17, and 20-21*, Podgorny discloses,

- *the message system being configured to receive messages from message producing clients and to forward messages to message consuming clients;* (Podgorny, col.2, lines 19-63; col.19, lines 27-36; col.21, lines 21-30; fig.1-2) Podgorny teaches a system that *"includes logic to establish communication connections with demons and logic to maintain system state, including a list of associations identifying demons in a room. It also includes logic to receive a message from a demon, to consult the system state, and, in response to the consultation, to forward a message to other relevant demons as determined by the system state"* (Podgorny, col.2, lines 52-58). In addition, Podgorny discloses *"a first and second client node may collaborate by causing their respective demons to send messages from a predefined protocol to the server, which in turn will forward them to other relevant demons"* (Podgorny, abstract). According to Podgorny, the demon logic of a room *"includes logic to receive messages from a launched application and ... forward the messages to the server. It also includes logic to receive messages from the server and to cause at least a portion of the message to be routed to a relevant entity"* (Podgorny, col.2, lines 45-49). In addition, figures 1 and 2 show that the launched applications can send messages to each others via the demon logic, which establishes the connections, and the

server which stores and forwards the messages to the relevant entities. Hence, Podgorny discloses of a messaging system that receives messages from users via the system's application demon and forwarding those messages to the intended users as appropriate.

- *the message system comprising a server cluster containing a group of client manager nodes;* (Podgorny, col.2, lines 19-63; col.19, lines 27-36; col.21, lines 21-30; fig.1-2)

  Podgorny discloses a demon logic, which *"establishes a communication path between a downloaded demon and a launched application"* (Podgorny, col.2, lines 40-42). Hence, Podgorny's demon logic provides connection management and access for the launched client applications.

- *each client manager node of said group of client manager nodes comprising means for connecting to clients, means for managing client connections, and means for forwarding messages received from message producing clients to message manager nodes, and means for forwarding messages received from message manager nodes to message consuming clients;* (Podgorny, col.2, lines 19-63; col.19, lines 27-36; col.21, lines 21-30; fig.1-2)

  Podgorny teaches a system that *"includes logic to establish communication connections with demons and logic to maintain system state, including a list of associations identifying demons in a room. It also includes logic to receive a message from a demon, to consult the system state, and, in response to the consultation, to forward a message to other relevant demons as determined by the system state"* (Podgorny, col.2, lines 52-58). In addition, Podgorny discloses *"a first and second client node may collaborate by causing their respective*

demons to send messages from a predefined protocol to the server, which in turn will forward them to other relevant demons" (Podgorny, abstract). According to Podgorny, the demon logic of a room *"includes logic to receive messages from a launched application and ... forward the messages to the server. It also includes logic to receive messages from the server and to cause at least a portion of the message to be routed to a relevant entity"* (Podgorny, col.2, lines 45-49). In addition, figures 1 and 2 show that the launched applications can send messages to each others via the demon logic, which establishes the connections, and the server which stores and forwards the messages to the relevant entities. Hence, Podgorny discloses of a messaging system that receives messages from users via the system's application demon and forwarding those messages to the intended users as appropriate.

- *the server cluster further containing a group of message manager nodes being configured differently from the client manager nodes,* (Podgorny, col.2, lines 19-63; col.19, lines 27-36; col.21, lines 21-30; fig.1-2)

  Podgorny teaches of the demon logic of a room, which *"includes logic to receive messages from a launched application and ... forward the messages to the server. It also includes logic to receive messages from the server and to cause at least a portion of the message to be routed to a relevant entity"* (Podgorny, col.2, lines 45-49). In addition, figures 1 and 2 show that the launched applications can send messages to each others via the demon logic, which establishes the connections, and the server which stores and forwards the messages to the relevant entities. Hence, Podgorny discloses of a messaging

system that includes of a demon logic that maintain the connections and a server that stores and forwards the messages as appropriate.

- *each message manager node comprising means for storing and distributing messages, said messages comprising a destination information addressing a destination,* (Podgorny, col.2, lines 19-63; col.8, lines 15-24; col.18, line 58 – col.19, line 2; col.19, lines 27-36; col.21, lines 21-30; fig.1-2)

  Podgorny teaches of *"application-specific events [that] are distributed based on particular identifying information in the message, called session identifiers"* (Podgorny, col.8, lines 22-24) and forwarding the messages accordingly. Hence, Podgorny discloses of a messaging system that receives messages from users via the system's application demon and forwarding those messages to the intended users as appropriate according to the message identifiers.

- *the system further comprising communication channel means for providing a multicast communication channel for forwarding messages between said at least one client manager node and said at least one message manager node.* (Podgorny, col.2, lines 19-63; col.8, lines 15-24; col.15, lines 53-57; col.18, lines 4-22; col.18, line 58 – col.19, line 2; col.19, lines 27-36; col.21, lines 21-30; fig.1-2; fig.11)

  Podgorny teaches of utilizing broadcast as a transmission method between the server and the users via the demon logics. It is well known in the networking art that multicasting is a form of broadcast transmission method. Hence, Podgorny implies of utilizing multicasting as a transmission method, because multicasting is a form broadcast transmission method.

However, Podgorny does not explicitly disclose,

- *said messages comprising a destination information addressing a destination, said destination being at least one of a queue and a topic;*

Codella teaches,

- *said messages comprising a destination information addressing a destination, said destination being at least one of a queue and a topic;* (Codella, col.1, lines 27-39; col.15, line 61 – co.16, line 11)

  Codella teaches *"in JMS, a destination corresponds to a JMS destination, which in turn can be either a queue or a topic (for point-to-point and publish/subscribe, respectively)"* (Codella, col.15, lines 61-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Codella with the teachings of Podgorny to provide a *"collaborative system"* capable of utilizing the JMS's destinations, which can be either a queue or a topic to provide a message logging system using multicasting between the client manager and the message manager. According to Podgorny, *"there has been increasing interest in collaborative systems. Theses systems allow multiple users to interact with one another. Common examples include chat rooms, shared white boards, and the like, [including bulletin boards]"* (Podgorny, col.1, lines 42-45).

11. With regard to *claims 2-3*, Podgorny discloses,

- *a plurality of message manager nodes in said group of message manager nodes,* (Podgorny, col.2, lines 19-63; col.8, lines 15-24; col.15, lines 53-57; col.18, lines 4-22; col.18, line 58 – col.19, line 2; col.19, lines 27-36; col.21, lines 21-30; fig.1-2; fig.11)

- *said system further comprising a plurality of client manager nodes.* (Podgorny, col.2, lines 19-63; col.8, lines 15-24; col.15, lines 53-57; col.18, lines 4-22; col.18, line 58 – col.19, line 2; col.19, lines 27-36; col.21, lines 21-30; fig.1-2; fig.11)
- *each client manager node comprising computer program code means for sending message data across said multicast communication channel,* (Podgorny, col.2, lines 19-63; col.8, lines 15-24; col.15, lines 53-57; col.18, lines 4-22; col.18, line 58 – col.19, line 2; col.19, lines 27-36; col.21, lines 21-30; fig.1-2; fig.11)
- *said message data containing a destination information and not containing an individual address of a message manager node,* (Podgorny, col.2, lines 19-63; col.8, lines 15-24; col.15, lines 53-57; col.18, lines 4-22; col.18, line 58 – col.19, line 2; col.19, lines 27-36; col.21, lines 21-30; fig.1-2; fig.11)

However, Podgorny does not explicitly disclose,

- *said message manager nodes being configured to comprise destinations, said destinations being at least one of a queue and a topic.*
- *each message manager node comprising computer program code means for receiving message data comprising destination information matching a destination of the message manager, and for maintaining said destination, said destination being at least one of a queue and a topic.*

Codella teaches,

- *said message manager nodes being configured to comprise destinations, said destinations being at least one of a queue and a topic.* (Codella, col.1, lines 27-39; col.15, line 61 – co.16, line 11)
- *each message manager node comprising computer program code means for receiving message data comprising destination information matching a*

destination of the message manager, and for maintaining said destination, said destination being at least one of a queue and a topic. (Codella, col.1, lines 27-39; col.15, line 61 – co.16, line 11)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Codella with the teachings of Podgorny to provide a *"collaborative system"* capable of utilizing the JMS's destinations, which can be either a queue or a topic to provide a message logging system using multicasting between the client manager and the message manager. According to Podgorny, *"there has been increasing interest in collaborative systems. Theses systems allow multiple users to interact with one another. Common examples include chat rooms, shared white boards, and the like, [including bulletin boards]"* (Podgorny, col.1, lines 42-45).

12. With regard to *claims 4-6*, Podgorny and Codella disclose,

- *where the number of the client manager nodes of said group of client manager nodes is independent from the number of the message manager nodes of said group of message managers.* (Podgorny, col.2, lines 19-63; col.8, lines 15-24; col.15, lines 53-57; col.18, lines 4-22; col.18, line 58 – col.19, line 2; col.19, lines 27-36; col.21, lines 21-30; fig.1-2; fig.11)
- *in which not all possible pairs of nodes in the server cluster are required to exchange data directly.* (Podgorny, col.2, lines 19-63; col.8, lines 15-24; col.15, lines 53-57; col.18, lines 4-22; col.18, line 58 – col.19, line 2; col.19, lines 27-36; col.21, lines 21-30; fig.1-2; fig.11)

- *in which a reliable multicast communications protocol is used for inter-node data transfer, in which a plurality of message manager nodes is provided, wherein at least two message manager nodes ate configured to contain identical destinations to maintain one or more identical, redundant copies of stored data received in the same multicast transmission from a client manager as the original copy of stored data.* (Podgorny, col.2, lines 19-63; col.8, lines 15-24; col.15, lines 53-57; col.18, lines 4-22; col.18, line 58 – col.19, line 2; col.19, lines 27-36; col.21, lines 21-30; fig.1-2; fig.11)

13. With regard to *claims 8-10, 14-16, and 18-19*, Podgorny and Codella disclose,

- *further comprising steps of:*
  - *depending on a list of client subscriptions of said message manager, sending message data comprising a client information from one message manager across said at least one multicast communication channel;* (Podgorny, col.2, lines 19-63; col.8, lines 15-24; col.15, lines 53-57; col.18, lines 4-22; col.18, line 58 – col.19, line 2; col.19, lines 27-36; col.21, lines 21-30; fig.1-2; fig.11)
  - *receiving said message data by the client manager addressed by said client information and* (Podgorny, col.2, lines 19-63; col.8, lines 15-24; col.15, lines 53-57; col.18, lines 4-22; col.18, line 58 – col.19, line 2; col.19, lines 27-36; col.21, lines 21-30; fig.1-2; fig.11)
  - *transmitting, depending on the content of said message data, a message to the message client addressed by said client information by said client manager.* (Podgorny, col.2, lines 19-63; col.8, lines 15-24; col.15, lines 53-57;

col.18, lines 4-22; col.18, line 58 – col.19, line 2; col.19, lines 27-36; col.21, lines 21-30; fig.1-2; fig.11)

- *wherein in said group of message managers primary message managers and backup message managers are provided, each backup message manager containing the same destinations as one associated primary message manager and controlling regularly whether said associated primary message manager functions, wherein each backup manager monitors the multicast communication on said multicast communication channel and stoles the same message data as said associated primary message manager, and wherein each backup manager does not send any message data unless said associated primary message manager fails to function.* (Podgorny, col.2, lines 19-63; col.8, lines 15-24; col.15, lines 53-57; col.18, lines 4-22; col.18, line 58 – col.19, line 2; col.19, lines 27-36; col.21, lines 21-30; fig.1-2; fig.11)
- *wherein, if the message size exceeds a maximum message size value, said message to be transmitted between said message client and said message manager is fragmented by the message manager or by the message client and sent as a separate command.* (Podgorny, col.2, lines 19-63; col.8, lines 15-24; col.15, lines 53-57; col.18, lines 4-22; col.18, line 58 – col.19, line 2; col.19, lines 27-36; col.21, lines 21-30; fig.1-2; fig.11)

14. With regard to *claims 11-12*, Podgorny and Codella disclose,

- *wherein, if the message size exceeds a maximum message size value, said message to be transmitted between said message client and said message manager is fragmented by the message manager or by the message client and*

sent as a separate command. (Podgorny, col.2, lines 19-63; col.8, lines 15-24; col.15, lines 53-57; col.18, lines 4-22; col.18, line 58 – col.19, line 2; col.19, lines 27-36; col.21, lines 21-30; fig.1-2; fig.11)

- *wherein at least two multicast communication channels are present, and wherein either every client manager node is connected to all of said multicast communication channels and every message manager node is connected to only one of said multicast communication channels or every message manager node is connected to all of said multicast communication channels and every client manager node is connected to only one of said multicast communication channels.* (Podgorny, col.2, lines 19-63; col.8, lines 15-24; col.15, lines 53-57; col.18, lines 4-22; col.18, line 58 – col.19, line 2; col.19, lines 27-36; col.21, lines 21-30; fig.1-2; fig.11)

Response to Arguments

14. Applicant's arguments with respect to *claims 1-21* have been considered but are moot in view of the new ground(s) of rejection .

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone can be reached on 571/272-3933. The fax phone numbers for the organization where this application or proceeding is assigned are 571/273-8300 for regular communications and 571/273-8300 for After Final communications.

Thomas Duong (AU2145)

April 17, 2006

Jason D. Cardone

Supervisory PE (AU2145)

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER